REMARKS

By the present amendment, the specification has been amended at pages 3-5, 10-13, and 24-25, and claims 3, 7-8, 10, 12-14, and 18 have been amended.. These amendments only correct typographical errors. These amendments do not add prohibited new matter and are fully supported by the specification, as evidenced by Table 1, which includes the correct nucleotide position, *i.e.*, a C/A polymorphism at nucleotide 80 and not 81 of the nucleotide sequence of exon 3 of the LT-α gene shown in SEQ ID No. 3 causing an amino acid mutation from threonine to asparagine because of a change at codon 26 (from ACC to AAC) in exon 3.

Restriction Requirement

In the Restriction Requirement, the Examiner alleges that the claims are directed to more than one inventive concept. The Examiner further asserts that these claims lack unity of invention because they do not share a special technical feature and they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Election

In order to be responsive to the requirement for restriction, Applicants elect Group I (Claims 1-9 and 12), with traverse.

In order to be responsive to the requirement for further restriction, Applicants further elect SEQ ID No. 3 (LT-α exon 3 723C/A), with traverse.

Traverse

Notwithstanding the election of the claims of Group I and further election of SEQ ID No. 3, in order to be responsive to the Restriction Requirements, Applicants respectfully traverse the Examiner's requirement for restriction and further restriction.

Applicants respectfully submit that the Restriction Requirement fails to satisfy the requirements for supporting a restriction requirement under the PCT Rules. PCT Rules 13.1 and 13.2 state that an international application must relate to one invention only or, if there is more than one invention, those inventions must be so linked as to form a single general inventive concept (Rule 13.1). Inventions are considered linked so as to form a single general inventive concept only when there is a technical relationship involving one or more of the same or corresponding "special technical features." The expression

"special technical features" means those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art (Rule 13.2).

Applicants note that this application is an application filed under 35 U.S.C. § 371 and that unity of invention requirements apply. The Examiner's attention is respectfully directed to MPEP 1850 and 37 CFR § 1.475, which explicitly sets forth that "[a]n international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn [] to. . .[a] process and an apparatus or means specifically designed for carrying out the said process . . . ." The claims of the present application involve a method for determining an inflammatory disease and a kit for diagnosing an inflammatory disease using the claimed method. Applicants submit that the restriction requirement is deficient because it does not refer to 37 C.F.R. § 1.475. Furthermore, Applicants would like to point out that all of the SEQ ID Nos. were examined together during the International Stage of the PCT and should thus be examined together in the U.S. application, specifically with regard to Examiner's further restriction requirement. Finally, pursuant to these rules, when the Office concludes that all of the claims share a "special technical feature," any remaining non-elected claims should be rejoined.

Finally, Applicants respectfully note that, although the Examiner is correct in stating that the description fails to disclose that all of the SEQ ID Nos. in each of the combinations Examiner provides share a common property or activity, the invention is directed not towards different combinations of the SEQ ID Nos., but refers to the SEQ ID Nos. as belonging to a group of sequences used in determining inflammatory disease. The recited SEQ ID Nos. in the present application have a relationship of linkage disequilibrium with each other and therefore any one of these SEQ ID Nos. can be used for the purpose of the present invention.

For at least the foregoing reasons, Applicants submit that the Examiner's restriction requirement is improper, and should be withdrawn.

If there are any comments or questions, the undersigned may be contacted at the below-listed telephone number.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,

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